IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

Bail Appl..No. 6157 of 2007()

CRMP.3386/2007 of DISTRICT COURT, PALAKKAD
CRIME NO.252/07 OF PALAKKAD TOWN NORTH POLICE STATION.

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PETITIONERS/ACCUSED:

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1. PRASAD, S/O.G.CHANDRAN,
AGED 30 YEARS, RAVI NIVAS, DEVI NAGAR,
VADAKKANTHARA P.O., PALAKKAD TALUK,PALAKKAD DIST.

2. PRADEEP, S/O.G. CHANDRAN,
AGED 25 YEARS, RAVI NIVAS, DEVI NAGAR,
VADAKKANTHARA P.O., PALAKKAD TALUK,PALAKKAD DIST.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING THE SUB INSPECTOR OF POLICE, TOWN NORTH POLICE STATION, PALAKKAD.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6157 OF 2007

Dated this the 30th day of October, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 1 and 2. Altogether, there are 5 accused persons. They face allegations for offences punishable, inter alia, under Sec.308 read with Sec.149 of the IPC. The alleged incident took place on 16/9/07. A case and counter case have been registered in respect of the incident. The parties have now settled their disputes, it is submitted. The learned counsel for the petitioners, in these circumstances, prays that anticipatory bail may be granted to the petitioners. Injuries have been sustained by the members of both the groups. Allegation under Sec.308 of the IPC has been raised unnecessarily, submits the learned counsel for the petitioners.

2. The learned Public Prosecutor, after taking

instructions, confirms that the matter has been settled between the rival contestants. The learned Public Prosecutor submits that the State, in these circumstances, has no objection against the grant of anticipatory bail to the petitioners. I am satisfied, in the circumstances narrated above, that anticipatory bail can be granted to the petitioners subject to appropriate terms and conditions.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 6/11/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 7/11/07 and thereafter as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law

as if these directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 6/11/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 6/11/07.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge